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OFFICE OF PETITIONS

In re Application of	:	
David Meeker et al	:	DECISION GRANTING
Application No. 09/884,526	:	PETITION
Filed: June 19, 2001	:	
Attorney Docket No. 4274-4000	:	

This is a decision on the paper styled "Petition Requesting Correction of Filing Receipt" filed December 13, 2001, which is properly treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of June 19, 2001, rather than the presently accorded filing date of June 20, 2001.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 19, 2001, pursuant to the requirements of 37 CFR 1.10. In support applicants submit, inter alia, a copy of Express Mail receipt number EL762623628US, a U.S. Postal Service (USPS) sales receipt for the Express Mail package in question, and a copy of the original transmittal letter referring to the same Express Mail number.

It is noted that the "date-in" on the copy of the Express Mail receipt reflects a handwritten "6". While the receipt also include a "New York, NY USPS" receipt stamp, the date is illegible as it reads "JU 19, 2001." However, the USPS sales receipt clearly shows that Express Mail label No. EL762623628US was accepted for deposit on June 19, 2001.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on June 19, 2001.

The petition is granted.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division for correction of the filing date to June 19, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

A handwritten signature in cursive script, appearing to read "Sherry Brinkley".

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy